



PATENT
Attorney Docket: P05527090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: David W. Livingston
SERIAL NO: 09/532,687
FILED: March 22, 2000
TITLE: MOSS CONTROL COMPOSITION
ART UNIT: 1616

DECLARATION OF RUTH A. HARPSTER, THE PENNSYLVANIA STATE
UNIVERSITY, INTELLECTUAL PROPERTY OFFICE

Commissioner for Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

I, Ruth A. Harpster, hereby declare the following:

1. I am employed as the Intellectual Property Assistant at The Pennsylvania State University Intellectual Property Office located in University Park, PA.
2. As part of my job duties, I oversee the D.E.A.L.S. DbTM database which shows critical dates for pending applications and issued patents and trademarks.
3. I have been employed in this position for approximately three years, since May of 1999.
4. The Pennsylvania State University Intellectual Property Office uses the Report Writer software program to run a report that will "tickle" or "diary" upcoming items that need to be attended to for patenting purposes such as Office

Actions, IDS's, Assignments, etc. The software pulls the information from the D.E.A.L.S. Db_{TM} database.

5. Once these items have been completed, I manually enter the date of completion to update the D.E.A.L.S. Db_{TM} database. Critical dates for all patents and trademarks including the above-identified application, were placed on this system.

6. Enclosed is a copy of the D.E.A.L.S. Db_{TM} sheet for this application. It can be seen that there was no receipt of a Notice to File Missing Parts. Furthermore, a Status of Inquiry was filed on March 22, 2001, by McQuaide Blasko, Inc., which serves as our outside general counsel. No response from the USPTO was received.

7. The Pennsylvania State University Intellectual Property Office, our outside general counsel, McQuaide Blasko, Inc., and I have exercised reasonable care to ensure this application was not abandoned.

8. The Pennsylvania State University Intellectual Property Office did not intend to abandon this application and believe we are in compliance with all Office communications.

9. The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

January 24, 2002
Date

Ruth A. Harpster
Ruth A. Harpster
The Pennsylvania State University
Intellectual Property Assistant
113 Technology Center
200 Innovation Blvd.
University Park, PA 16802-7000

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